

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA,)
et al.)
Plaintiffs,)
V.) No. 05-CV-329-GKF-SAJ
TYSON FOODS, INC., et al.,)
Defendants.)

TRANSCRIPT OF PROCEEDINGS

HAD ON JULY 5, 2007

MOTION HEARING

BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

APPEARANCES:

For the Plaintiffs: Ms. Kelly Hunter Burch
Mr. J. Trevor Hammons
Assistant Attorney Generals
State of Oklahoma
2300 North Lincoln Boulevard
Suite 112
Oklahoma City, Oklahoma 73105

Mr. Louis W. Bullock
Miller Keffer & Bullock
222 South Kenosha
Tulsa, Oklahoma 74120

1 (APPEARANCES CONTINUED)

2 For the Plaintiffs: Mr. M. David Riggs
3 Mr. Richard T. Garren
4 Riggs Abney Neal Turpen
5 Orbison & Lewis
6 502 West Sixth Street
7 Tulsa, Oklahoma 74119
8
9 Mr. Robert A. Nance
10 Riggs Abney Neal Turpen
11 Orbison & Lewis
12 5801 North Broadway
13 Suite 101
14 Oklahoma City, Oklahoma 73118

9 For the Tyson
10 Defendants and
11 Cobb-Vantress: Mr. Robert W. George
12 Mr. Michael R. Bond
13 Kutak Rock, LLP
14 214 West Dickson
15 Fayetteville, Arkansas 72701

12 For the Cargill
13 Defendants: Ms. Theresa Noble Hill
14 Rhodes Hieronymus Jones Tucker
15 & Gable P.L.L.C.
16 100 West Fifth Street
17 Suite 400
18 Tulsa, Oklahoma 74121

16 For the Defendant
17 Peterson Farms: Mr. A. Scott McDaniel
18 Mr. Philip D. Hixon
19 Ms. Nicole Longwell
20 Joyce Paul & McDaniel, P.C.
21 1717 South Boulder Avenue
22 Suite 200
23 Tulsa, Oklahoma 74119

20 For the Cal-Main
21 Foods Defendants: Mr. Robert P. Redemann
22 Perinne McGivern Redemann
23 Reid Berry & Taylor
24 Post Office Box 1710
25 Tulsa, Oklahoma 74101

23 For the George's
24 Defendants: Mr. James M. Graves
25 Bassett Law Firm
Post Office Box 3618
Fayetteville, Arkansas 72702

1 (APPEARANCES CONTINUED)

2 For the Defendant Mr. Bruce Freeman
3 Simmons Foods: Hall, Estill Hardwick Gable
4 Golden & Nelson, Inc.
320 South Boston Avenue, Suite 400
Tulsa, Oklahoma 74103

5 - - - - -

6 PROCEEDINGS

7 July 5, 2007

8 THE CLERK: We're here in the matter of the Attorney
9 General, State of Oklahoma, et al. vs. Tyson Foods, Inc., et
10 al. case number 05-CV-329-GKF. Parties please enter their
11 appearance.

12 MR. BULLOCK: Louis Bullock for the State of Oklahoma.

13 MR. RIGGS: David Riggs for the State of Oklahoma.

14 MR. NANCE: Robert Nance for the State of Oklahoma.

15 MS. BURCH: Kelly Burch for the State of Oklahoma.

16 MR. GARREN: Richard Garren, the State of Oklahoma.

17 MR. HAMMONS: Trevor Hammons for the State of
18 Oklahoma.

19 MR. GEORGE: Robert George appearing for the four
20 named Tyson Defendants.

21 MR. BOND: Michael Bond appearing for the four named
22 Tyson defendants.

23 MR. MCDANIEL: Scott McDaniel for Peterson Farms.

24 MR. REDEMANN: Robert Redemann for the Cal-Main
25 defendants.

1 show you exactly what the requirements for best management
2 practices and animal waste management plans are in the Poultry
3 Feeding Operations Act and CAFO the Act. So real quickly, they
4 focus particularly on one of the allegations in the complaint
5 that alleges that it is a widespread practice of the defendants
6 to over-apply animal waste in excess of agronomic rates. That,
7 of course, is one of the allegations in the complaint, but it's
8 important to understand that there are several other
9 allegations. One, we allege that the poultry waste at issue
10 contains a number of pollutants and hazardous substances which
11 have been applied in quantities and in a manner that results in
12 the release and runoff of waste into waters of the state. We
13 specifically allege in paragraph 56 that the poultry integrator
14 defendants poultry waste disposal practices are not and have
15 not been undertaken in conformity with federal and state law
16 and regulations.

17 So without belaboring all of these points, I wanted to
18 point out that obviously the State has a very different
19 perspective about what its case is about than the defendants.
20 They want to make it very narrow and its not a narrow case.
21 It's a case about pollution and it's a case about pollution
22 caused by the improper waste disposal practices of the
23 defendants.

24 So I would like to -- I would like to start
25 specifically with the defendants' argument that the State's